

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JESSIHA LANCASTER,

Plaintiff,

v.

HAROLD CLARK, *et al.*,

Defendants.

Case No. C07-5251 RJB/KLS

ORDER DENYING PLAINTIFF'S  
MOTION FOR APPOINTMENT  
OF OFFICER TO TAKE  
DEPOSITION

Before the Court is Plaintiff's Motion to Appoint Officer to Take Deposition. (Dkt. #89). Having carefully reviewed the motion, Defendants' opposition (Dkt. # 95) and the balance of the record, the Court finds that the motion should be denied.

**DISCUSSION**

Plaintiff requests the Court to appoint a person before whom depositions may be taken pursuant to Rule 28(a) of the Federal Rules of Civil Procedure. However, Plaintiff has made no request to take the deposition of any Defendant or of any other witness, nor has he made any attempt to confer with counsel for Defendants regarding the taking of any depositions. (*See* Dkt. # 95). In addition, the rules governing discovery provide that the parties may agree to take depositions may be taken "before any person, at any time or place, upon any notice, and in any manner and when so taken may be used like other

1 depositions....” Fed. R. Civ. P. 29.

2 Plaintiff is urged to confer with counsel for Defendants about the taking of depositions.


3 Accordingly, it is **ORDERED**:

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- 5 (1) Plaintiff’s motion to appoint an officer to take depositions (Dkt. # 89) is **DENIED**; and
- 6 (2) The Clerk of the Court shall send copies of this Order to the Plaintiff and counsel for
- 7 Defendants.
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9 DATED this 4th day of December, 2007.

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14 United States Magistrate Judge  
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